

Atty. Docket: NOKIA.07US

Remarks/Arguments

Claims 1-29 are pending in this application. Claims 1 and 15 have been amended by this Amendment.

The Office Action dated July 18, 2005 rejected claims 1-6, 8-9, 11, 15-19, 21-23 and 26-29 as being anticipated by prior art under 35 USC 102. Applicants gratefully acknowledge the indication that claims 7, 10, 12-14, 20 and 24-25 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Anticipation Rejection

The grounds for the anticipation rejection of claims 1-6, 8, 9, 11, 15-19, 21-23 and 26-29 is set forth in part 2 on pages 2-5 of the Office Action. Specifically, the claims are rejected as being anticipated by the method illustrated in Fig. 2 and described at col. 7, line 31, to col. 8, line 3, and col. 8, lines 36-58, of U.S. Patent No. 6,400,960 to Dominique et al. (this method hereinafter being referred to simply as "Dominique"). Applicants respectfully traverse the rejection at least because it fails to establish a prima facie case that Dominique includes each and every one of the combination of features recited in the rejected claims.

For example, independent claim 1 is directed to a method of controlling the power level of multicast data transmissions; independent claim 15 is directed to user equipment receiving multicast data transmissions; and independent claim 23 is directed to a network element controlling the power level of multicast data transmissions. (Claims 1 and 15 have each been amended to make clear that they include controlling the power level of multicast data transmissions.) Each one of the other rejected claims is dependent, directly or indirectly, on one of these independent claims.

Dominique does not include even this basic feature of the rejected claims. Dominique is a method of controlling the power threshold of a secondary channel (so as to prevent a user equipment in a DTX mode from entering into a deadlock state), and does not control multicast data transmissions. The patent states as follows:

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"In accordance with the method of the present invention, user equipment 200 then calculates an updated power threshold for secondary channel 220 based on (1) previously established power threshold (i.e., $P(k)$) for associated primary channel 202; (2) previously established power threshold (i.e., $S(k)$) for secondary channel 220 and current established power threshold level (i.e., $P(k+1)$) for associated primary channel 202. In other words, $P(k)$, $S(k)$ and $P(k+1)$ are combined to establish an updated power threshold level, viz., $S(k+1)$, for secondary channel 220. In particular $S(k+1) = P(k+1) + S(k) - P(k)$ thereby tending to prevent secondary channel 120 (currently in DTX mode) from entering into a deadlock state." (col. 8, lines 44-56)

Secondary channel 220 in Dominique is not a multicast data transmission. Referring to the Background portion of the patent (see col. 2, lines 24-61), a secondary channel is associated with a primary channel. Applicants can find no indication that the primary or secondary channels in Dominique (including secondary channel 220) are multicast data transmissions.

Furthermore, Dominique is a power control method applicable when the user equipment is in a DTX (Discontinuous Transmission) mode. Referring again to the Background portion of the patent (see col. 3, lines 15-61), the DTX mode is a power saving mode for secondary channels and does not involve the transmission of data through multicasting. There is a problem of encountering a deadlock state while in DTX mode, and Dominique is put forth in the patent as a solution to that problem (see col. 3, line 64, to col. 4, line 20). The Office Action dated July 18, 2005 on the ground that it differs fundamentally from the invention claimed in the present application. Dominique teaches a method of updating the power threshold when the system is in a do not transmit (DTX) mode (see col. 3, line 15, to col. 4, line 20), whereas the present invention teaches a method used for multicast data transmissions.

Claims 4-6 and 17-19

Dependent claims 4-6 and 17-19 recite further details of the message sent by the user equipment. The rejection refers to col. 8, lines 44-58, of the patent as disclosing these details. However, the cited portion doesn't even disclose a message sent by the user equipment much less the details recited in claims 4-6 and 17-19.

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Claims 8, 11 and 21

Dependent claims 8, 11 and 21 recite further details about the type of message sent by the user equipment. The rejection refers to col. 8, lines 36-43, of the patent as disclosing these details. However, the cited portion doesn't even disclose a message sent by the user equipment much less the details recited in claims 8, 11 and 21.

Claims 28 and 29

Dependent claims 28 and 29 recite further details of power control based on messages received by the network element. The rejection refers to the same portions of the patent relied upon in the rejection of the independent claims. However, the cited portions don't even disclose the network element receiving messages sent by the user equipment much less the details recited in claims 28 and 29.

Claims 26 and 27

Dependent claims 26 and 27 are treated together with claims 28 and 29 in the rejection, but they recited substantially different features. Claim 26 recites tracking the location of user equipments and claim 27 recites storing the power level measurement information in messages in a multicast database. Applicant submits that each of these claims is individually allowable due to its unique features.

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Conclusion

For at least the reasons set forth above, applicants submit that the Office Action fails to show that the claims are anticipated by Dominique. Allowance of the application is respectfully requested.

The Commissioner is hereby authorized to charge any fees necessary for the consideration of this Response, or to credit any overpayment, to the undersigned attorney's Deposit Account No. 10-0100 (Dkt. No. NOKIA.07US).

Respectfully Submitted,



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